HIGH COURT OF UTTARANCHAL AT NAINITAL

GOVERNMENT APPEAL NO. 1903 OF 2001

(Old No. 786 of 1999)

State of U.P. .....Appellant.

Vs.

Balamei,
S/o late Dalvir Singh,
R/o Village Kot, Patti Maniya,
District-Tehri Garhwal. .....Accused Respondent.

Hon'ble Rajesh Tandon, J.

Heard A.G.A. for the State.

2. Present Government Appeal has been filed against the judgment and order dated 02.12.1998 passed by Sessions Judge in Sessions Trial No. 27 of 1998 by which the respondent was acquitted under Section 304(II) of the Indian penal Code.

3. The said incident has taken place on 18th August, 1998. The Sessions Judge after taking into consideration the prosecution witnesses as well as Defence Witnesses has come to the conclusion that the prosecution has totally failed to prove the offence punishable under Section 304(II) of the Indian Penal Code and accused therefore, is acquitted.

4. In view of that leave application, nothing has been pointed out to support the prosecution story. Leave application is rejected. Consequently the appeal also fails and is dismissed.

(Rajesh Tandon, J.)

04.12.2006

Rathour